

REMARKS

The Examiner has rejected claims 1, 2, 3, 5 and 7-10 as obvious over Lowe (U.S. Patent No. 5,673,018) in view of Huang (U.S. Patent No. 6,175,302). Lowe discloses an RF transponder 28. As is known and described in Lowe, the RF transponder does not include a power source. Power is received from the exciter/receiver 38. A power source like that in Huang would not be useful in Lowe. Therefore, there would be no motivation to use the power source of Huang. . . When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. There must be "something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985). "The best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is a rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *In re Dembiczak* 175 F.3d 994,999 (Fed. Cir. 1999).

"[T]he suggestion more often comes from the teachings of the pertinent references. The range of sources available, however, does not diminish the requirement for actual evidence. That is the showing must be clear and particular. Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence." *Dembiczak* at 999.

As shown above, there would be no motivation to use the power source of Huang in Lowe. Therefore, claims 1, 2, 3, 5 and 7-10 are allowable.

The Examiner has rejected claims 11, 12, 15-18 and 21-31 as obvious over Lowe in view of Davis (U.S. Patent No. 5,177,685). Lowe discloses a system for reporting the distance traveled by a wheeled vehicle, without having to manually read an odometer. A rotation sensor and a transponder are mounted on the wheel of the vehicle whose driving distance is to be determined. Thus, when a rental vehicle is returned, the distance traveled by the vehicle can be determined (column 1, lines 13-17). Davis discloses an automobile

navigation system. The Examiner has offered no motivation for modifying the transponder system of Lowe to include a navigation system, such as Davis. Nor is it clear how Examiner's proposed combination would meet the claimed elements. As will be explained below, Davis does not utilize a wireless signal for determining displacement of the vehicle. The position keeping (dead reckoning) system of Davis does not utilize wireless signals. In fact, in Davis, the navigation system must be connected to the odometer in order to obtain vehicle displacement for the position keeping system. (column 11, lines 60-62). This is exactly the problem that the present invention is trying to overcome because it is very difficult and time-consuming to connect a navigation system to the vehicle odometer. The position finding system (such as a GPS system) in Davis utilizes a wireless signal; however, it is completely different from the wireless signal utilized in Lowe. The wireless signal in Lowe could not be utilized for position finding (as that term is used in Davis), i.e. the wireless signal in Lowe could not be used as a GPS signal. Therefore, the device of Lowe could not be utilized in the Davis system.

Referring to claim 21 in particular, the Examiner admits that Lowe does not disclose means for calibrating said wireless signal to vehicle displacement. In fact, the Examiner points out that Davis indicates that a position system with no error could be calibrated when installed. However, Davis does not disclose how to calibrate the wireless signal to vehicle displacement. First, the system of Davis would not need the transponder of Lowe because Davis already includes an odometer signal that would provide the displacement information. Second, Davis does not disclose calibrating the odometer signal; rather, Davis assumes the odometer signal is accurate. Additionally, applicant has amended claim 21 to specify that the calibrating is performed "while the vehicle is moving." Thus, the Examiner's conjecture that the odometer could be calibrated before installation is mooted. Calibrating the wireless signal to vehicle displacement while the vehicle is moving as claimed in claim 21 is neither disclosed nor obvious from the cited references. Therefore, claim 21 is properly allowable.

Claim 22 specifically claims means for dead reckoning a position of a vehicle based upon the wireless signal. Again, since the Davis system already obtains displacement information from the vehicle odometer, there will be no need to utilize a transponder such as Lowe to provide distance information. It is only Applicant's invention that recognizes the advantage of using a wireless distance sensor in a navigation system, thus permitting easy installation of a vehicle navigation system, without the need to connect to the vehicle odometer system, which is difficult. This also further clarifies the difference (explained above with respect to claims 1 and 5) between Davis' dead-reckoning ("position-keeping") system and Davis' GPS ("position-finding") system. Again, Davis does not use wireless signals in his dead-reckoning system. Therefore, claim 22 is neither disclosed nor obvious.

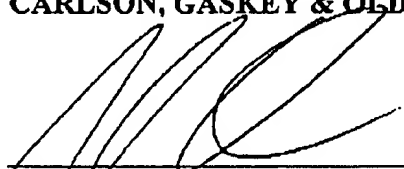
With respect to claim 23, again it would not be obvious to include the transponder of Lowe in the Davis navigation system, since Davis is already obtaining displacement information from the vehicle odometer. Therefore, claim 23 is not obvious.

The Examiner has rejected claim 19 as obvious over Lowe in view of Davis in further in view of Maples (U.S. Patent No. 4,833,281). Applicant has explained above, why it would not be obvious to modify Lowe in view of Davis. Further, the system of Maples could not be utilized in combination with Lowe and Davis. Maples discloses a simple motion detector for use in the transmitter of the vehicle keyless entry system. When motion is detected, the keyless entry system transmits its coded signal to obtain entry to the vehicle. Thus, when the driver is at rest, the transmitter circuit can be turned off, thus reducing power consumption. All though the Maples system discloses a moveable mass, it is unclear how this could be incorporated into the Lowe device, or how it could be utilized to calculate vehicle displacement. Therefore, claim 19 is not obvious.

Please charge \$110.00 for a one month extension of time to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. If any additional fees or extension of times are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

CARLSON, GASKEY & OLDS



John B. Carlson
Registration No. 37,794
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

Dated: _____

9/9/02

Version with markings to show changes made

IN THE CLAIMS:

Please amend the following claims:

21. (Amended) The vehicle displacement sensor of claim 11 further including means for calibrating said wireless signal to vehicle displacement while the vehicle is moving.

24. (Amended) The navigation system of Claim 23 further including means for calibrating said wireless signal to vehicle displacement while the vehicle is moving.

31. (Amended) The [vehicle displacement sensor] method of claim 30 further including the step of dead-reckoning a position of a vehicle based upon the wireless signal.